

1. A system having first and second processes residing on first and second computers used with backup or restore operations, wherein each of said first and said second computers are in communication with a data storage system storing data from at least said first and second computers [on] and a network, said system comprising
- 5 at least one first communication mechanism residing on both said first and second computers for facilitating communications between said first and second processes over said network;
- a second communication mechanism residing on both said first and second computers for facilitating communication between said first and second processes
- 10 through said data storage system; and
- means, within said first and second processes, for allowing said first and second processes to determine whether a communication [call] from said first and second processes is from [for] first or second communication mechanism.

### Remarks

The above-identified patent application has been amended and therefore, favorable reconsideration is respectfully requested.

Claims 1-6 and 14 have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. to Anglin et al. (5,862,322 hereinafter "Anglin").

The Applicant respectfully traverses the rejection.

In order to support an anticipated rejection under 35 U.S.C. §102(e), the Office must provide a single reference that identically describes each and every element of the rejected claim.

The Applicant respectfully submits that Anglin does not describe each and every element of independent claims 1 and 6 or even suggest all of the features of Applicant's claimed invention.

Anglin discloses a method and apparatus for assisting in the resolution of end-user customer support problems. The system Anglin uses to accomplish this is a traditional client/server network (Fig. 1). The system of Fig. 1 shows a server 110 connected via a Novell Netware or PC LAN network (Column 7, lines 4-5) to a plurality of workstations 120 (Column 6, lines 61-64). All of the computers connected to the network are comprised of a central processing unit (CPU) and data storage media (Claim 1, lines 13-15, 31-33 and 57-58 and Column 7, lines 1-2). In summary, the system of Anglin has a plurality of personal computers (PCs) and a single server on a network, and all communications from one computer to another computer are done over the single network.

The system of Anglin uses the aforementioned system to resolve inquiries from an end-user. One of the computers represents the end-user, the second computer in the system represents the product administrator while the third computer in the system represents the vendor. Referring to Fig. 41, the end-user computer has a product interface which is used to communicate with the product administrator (Column 32, line 17-18). The product administrator, in turn, has the option of referring communications or requests from the end-user to the vendor (Column 32, lines 56-57). Generally, the request is communicated back from the vendor to the product administrator (Column

32, lines 60-61). The third or vendor computer does have a communication interface connected to both the first and second computers (Column 36, lines 1-7). This communication interface permits an answer to be derived from the database on the third computer to be sent to the first and second computers. However, those answers are sent over the same network to both the first and second computers. Accordingly, each computer in the system only has and needs a first communication interface.

Claim 1, as amended calls for a system wherein:

..... first and said second computers are in communication  
with a data storage system *and* a network.....(emphasis added)

As indicated, the computers in the system of Anglin are only in communication with one another over the single network (Fig. 1). The data storage of Anglin is not a separate system but simply memory within the computer and not a separate data storage system storing data from more than one computer. The applications or processes of Anglin must use the single communication mode to facilitate communications.

Applicants have amended Claim 1 to clarify that the first and second computers are connected to a network and to the separate data storage system. Referring to Fig. 3 of Applicant's application, the data storage system is not part of the network, and the connections from the first and second computers are separate and distinct from the network connection. Communications can occur through the network or through the data storage system. The data storage system effectively becomes a second communications channel.

Claim 1 also calls for:

.....a second communication mechanism residing on both said first and second computers for facilitating communication between said first and second processes through said data storage system....

As the first and second computers are in communication with both the network and the data storage system, the processes on those computers have the option of communicating with each other via the network connection or via the connection through the data storage system. The first communication mechanism on the first and second computers is the vehicle used to communicate via the network while the second communication mechanism is the vehicle used for the second communication option for communication through the data storage system.

In Anglin, all communications are only over the network, so there is no need for the processes in the system to make a determination over which communications channel a communication has arrived from. Furthermore, two communication mechanisms on each computer are not needed as only one communication mechanism is sufficient when using the one network.

Therefore, Anglin does not identically disclose each and every feature of Applicant's independent Claim 1. Applicants also respectfully submit that Anglin does not suggest, teach or disclose every element and feature of Applicant's claim 1. Anglin does not contemplate the use of anything other than a network to serve as the vehicle for transferring information from one process to another, much less the concept of using two different communication mechanisms to facilitate communication over two different communication channels, where one of the communication channels is a data storage system.

Claims 2-5 depend from independent Claim 1, and add further limitations to Claim 2, which is believed to be allowable over the prior art for the reasons stated above. Claim 6 is also believed allowable for the reasons stated above. In particular, Anglin does not disclose the claimed concept of having one connection be established

between two processes over the network with a second, parallel connection being established between two processes through a data storage system.

Claims 7-16 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Anglin in view of U.S. Patent No. 5,889,943 to Ji et al. (hereinafter "Ji"). Applicant respectfully traverses this rejection.

For the reasons set forth above regarding claim 1, the two references cannot be combined to disclose each and every feature of Applicant's claimed invention.


Applicant respectfully submits that claims 1-16 are patentably distinct over the prior art of record. Accordingly, favorable reconsideration and allowance of the above claims is respectfully requested.

Applicant believes no fee to be due in connection with this Amendment, however, any fee due in connection with this filing may be charged to Deposit Account No. 05-0889.

Respectfully submitted,

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